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ACTION WHA-00

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INFO	LOG-00	NP-00	AID-00	A-00	ACQ-00	CA-01	CCO-00
	CG-00	CIAE-00	COME-00	CTME-00	INL-00	DEAE-00	DINT-00
	DOEE-00	DOTE-00	SRPP-00	DS-00	EB-00	OIGO-00	FAAE-00
	FBIE-00	UTED-00	VC-00	H-01	TEDE-00	INR-00	INSE-00
	IO-00	JUSE-00	L-00	CAC-00	VCE-00	M-00	AC-01
	NRCE-00	NSAE-00	OCS-03	OIC-02	OMB-01	OPIC-01	PA-00
	PM-00	PRS-00	ACE-00	P-00	SCT-00	SP-00	SSO-00
	SS-00	STR-00	TEST-00	TRSE-00	USIE-00	USSS-00	ECA-00
	PMB-00	DSCC-00	PRM-00	DRL-02	G-00	NFAT-00	SAS-00

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P 170053Z SEP 02  
FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC PRIORITY 1098  
INFO AMEMBASSY BRASILIA  
AMEMBASSY CARACAS  
AMEMBASSY LIMA  
AMEMBASSY PANAMA  
AMEMBASSY QUITO  
DIRONDCP WASHDC  
JOINT STAFF WASHDC  
NSC WASHDC  
SECDEF WASHDC  
USCINCSO MIAMI FL

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E.O. 12958: N/A  
TAGS: PGOV, PREL, PTER, PHUM, SNAR, CASC, CO  
SUBJECT: GOC FLESHES OUT SPECIAL JUDICIAL POWERS

REF: BOGOTA 08316

1. (SBU) SUMMARY: RECENTLY ANNOUNCED DECREE 2002 EXPANDS THE GOC'S AUTHORITY TO FIGHT ILLEGAL ARMED GROUPS. ACCORDING TO A LEAKED LIST, THE GOC WILL APPLY THESE POWERS IN SEVEN "REHABILITATION ZONES," WHICH WILL COVER ABOUT HALF THE

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J OLSON  
DATE/CASE ID: 02 JUL 2004 200303455

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COUNTRY. THE DECREE REQUIRES FOREIGNERS IN A REHABILITATION ZONE TO REGISTER THEIR PRESENCE. SOME REPORTERS WORRY THIS REQUIREMENT WILL LIMIT THEIR ABILITY TO COVER COLOMBIA'S INTERNAL CONFLICT. THE REGISTRATION REQUIREMENTS LIKELY WILL BE USED TO CONTROL NGOS PERCEIVED TO BE GUERRILLA OR PARAMILITARY FRONTS. DECREE 2002 HAS IGNITED A FIERCE PUBLIC DEBATE, WITH MANY BETTING IT WILL BE DECLARED UNCONSTITUTIONAL. NEVERTHELESS, THE ADMINISTRATION INSISTS IT HAS SCRUPULOUSLY FOLLOWED PRIOR CONSTITUTIONAL COURT DECISIONS. THE CONSULAR SECTION OF THE EMBASSY IS EXAMINING WHETHER TO ISSUE A WARDEN MESSAGE REGARDING DECREE 2002. END SUMMARY.

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"REHABILITATION ZONES" IDENTIFIED  
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2. (U) ON SEPTEMBER 11, THE URIBE ADMINISTRATION ISSUED DECREE 2002, WHICH GIVES THE GOVERNMENT NEW POWERS TO COMBAT  
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ILLEGAL ARMED GROUPS, INCLUDING AUTHORIZING COLOMBIA'S PUBLIC FORCES TO MAKE ARRESTS, CONDUCT SEARCHES, AND INTERCEPT COMMUNICATIONS WITHOUT WRITTEN WARRANTS (REFTEL). THE GOVERNMENT HAS NOT YET OFFICIALLY IDENTIFIED IN WHICH PARTS OF THE COUNTRY IT WILL APPLY DECREE 2002. HOWEVER, NEWSPAPER EL TIEMPO REPORTED ON SEPTEMBER 15 THAT THE NEW PROVISIONS WILL APPLY IN SEVEN "REHABILITATION ZONES," WHICH INCLUDE ALL OR PARTS OF 14 OF COLOMBIA'S 32 DEPARTMENTS. THE ZONES ARE:

- (I) META, GUAVIARE AND GUAINIA DEPARTMENTS, IN COLOMBIA'S SOUTHEASTERN GRASSLANDS;
- (II) THE FORMER DEMILITARIZED ZONE ("DESPEJE"), IN CAQUETA DEPARTMENT;
- (III) PUTUMAYO, HUILA AND CAQUETA, THREE DEPARTMENTS WITH SIGNIFICANT COCA PRODUCTION IN SOUTHERN COLOMBIA;
- (IV) VALLE, CAUCA AND TOLIMA DEPARTMENTS, SITES OF MASS KIDNAPPINGS IN SOUTHEASTERN COLOMBIA;
- (V) CHOCO AND ANTIOQUIA DEPARTMENTS, ENCOMPASSING THE PACIFIC COAST AND THE DRUGS AND ARMS TRANSIT ROUTE IN THE DARIEN REGION NEAR THE BORDER WITH PANAMA;
- (VI) THE CATATUMBO REGION, IN NORTE DE SANTANDER DEPARTMENT, ON THE TROUBLESOME BORDER WITH VENEZUELA; AND

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-- (VII) THE SUMAPAZ REGION, JUST SOUTH OF BOGOTA, IN CUNDINAMARCA DEPARTMENT, AN IMPORTANT POINT OF ENTRY FOR URBAN FRONTS INTO THE CAPITAL.

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3. (U) ALTHOUGH THE SEVEN APPARENT "REHABILITATION ZONES" WILL INCLUDE ABOUT HALF OF THE COUNTRY, THEY EXCLUDE SOME NOTABLY CONFLICTED AREAS, INCLUDING ARAUCA DEPARTMENT, WHERE THE ELN REGULARLY ATTACKS THE CANO LIMON PIPELINE, AND THE MIDDLE MAGDALENA REGION IN WESTERN SANTANDER, BOLIVAR AND MAGDALENA DEPARTMENTS, WHERE PARAMILITARIES AND GUERRILLAS HAVE BEEN FIGHTING PITCHED BATTLES TO GAIN CONTROL OF THE LUCRATIVE STOLEN GASOLINE RACKET.

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CONCERNS REGARDING RESTRICTION ON NON-COLOMBIANS  
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4. (SBU) UNDER ARTICLE 22 OF DECREE 2002, WITHIN EIGHT DAYS OF A "REHABILITATION ZONE'S" ESTABLISHMENT, ALL FOREIGNERS WITHIN THE ZONE WHO WISH TO REMAIN MUST REGISTER THEIR PRESENCE WITH THE DEPARTMENTAL GOVERNOR. SIMILARLY, FOREIGNERS WISHING TO ENTER SUCH A ZONE MUST REQUEST ADVANCE PERMISSION FROM THE GOVERNOR. PERMISSION MAY BE DENIED. FAILURE TO ABIDE BY THESE REQUIREMENTS CAN RESULT IN THE FOREIGNER'S EXPULSION FROM COLOMBIA. THE REQUIREMENTS APPLY TO, AMONG OTHERS, REPORTERS, EMPLOYEES OF MULTINATIONAL CORPORATIONS, REPRESENTATIVES OF NGOS, AND TOURISTS. SOME FOREIGN REPORTERS IN COLOMBIA HAVE EXPRESSED CONCERN THAT THESE REQUIREMENTS MAY LIMIT THEIR ABILITY TO COVER COLOMBIA'S INTERNAL CONFLICT. IN ADDITION, THIS PROVISION IS

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	DOEE-00	DOTE-00	WHA-00	SRPP-00	DS-00	EB-00	OIGO-00
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	INSE-00	IO-00	JUSE-00	L-00	CAC-00	VCE-00	M-00
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	PA-00	PM-00	PRS-00	ACE-00	P-00	SP-00	SSO-00
	SS-00	STR-00	TEST-00	TRSE-00	USIE-00	USSS-00	ASDS-01

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P 170053Z SEP 02  
FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC PRIORITY 1099  
INFO AMEMBASSY BRASILIA  
AMEMBASSY CARACAS  
AMEMBASSY LIMA  
AMEMBASSY PANAMA  
AMEMBASSY QUITO  
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LIKELY TO BE USED TO CLAMP DOWN ON NGOS PERCEIVED OR KNOWN TO  
BE FRONTS FOR ILLEGAL ARMED GROUPS.

5. (SBU) ARTICLE 22 OF DECREE 2002 SIMPLY REFERS TO  
"FOREIGNERS," AND THE TERM "FOREIGNERS" IS UNDEFINED. POLOFF  
HAS ASKED THE MFA TO CLARIFY WHETHER THE MEASURE WILL APPLY  
TO DIPLOMATS, BUT HAS NOT YET RECEIVED A RESPONSE. THE MFA  
IS RESEARCHING THE QUESTION WITH THE OFFICE OF THE PRESIDENT.

IT IS SIMILARLY UNCLEAR HOW ARTICLE 22 WILL AFFECT DUAL  
NATIONALS. (NOTE: APPROXIMATELY 30,000 AMERICAN CITIZENS ARE  
REGISTERED WITH THE CONSULAR SECTION, THE VAST MAJORITY OF  
THEM DUAL NATIONALS. END NOTE.)

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CONSTITUTIONAL DOUBTS RAISED  
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6. (U) DECREE 2002 HAS IGNITED A FIERCE PUBLIC DEBATE.  
ATTORNEY GENERAL LUIS CAMILO OSORIO HAS ANNOUNCED HE SUPPORTS  
THE DECREE. ON THE OTHER HAND, THE PRESIDENT OF A PROMINENT  
LOCAL NGO ASSERTED TO POLOFF THAT, WHILE URIBE IS DOING JUST

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WHAT HE PROMISED DURING THE PRESIDENTIAL CAMPAIGN, DECREE 2002'S MEASURES WILL NOT BE EFFECTIVE IN COMBATTING ILLEGAL ARMED GROUPS, BUT WILL ERODE THE LEGITIMACY OF THE STATE. NEVERTHELESS, HE STATED THAT COLOMBIAN NGOS HAVE HAD BETTER

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ACCESS TO THE URIBE ADMINISTRATION THAN IN THE LAST SEVERAL ADMINISTRATIONS. HUMAN RIGHTS OMBUDSMAN EDUARDO CIFUENTES HAS CALLED FOR A "CAREFUL STUDY" BY THE CONSTITUTIONAL COURT OF DECREE 2002'S CONSTITUTIONALITY. MANY COMMENTATORS SPECULATE THE DECREE -- WHICH HAS FEATURES IN COMMON WITH THE LAW ON NATIONAL DEFENSE AND SECURITY DECLARED UNCONSTITUTIONAL IN APRIL -- WILL BE STRICKEN DOWN BY THE CONSTITUTIONAL COURT. HOWEVER, JUSTICE AND INTERIOR MINISTER FERNANDO LONDONO HOYOS HAS STATED THAT, IN DRAFTING DECREE 2002, THE ADMINISTRATION RIGOROUSLY FOLLOWED PAST CONSTITUTIONAL COURT DECISIONS. THE ADMINISTRATION CONTENTS THAT A KEY DIFFERENCE FROM THE NATIONAL DEFENSE AND SECURITY LAW IS THAT DECREE 2002 KEEPS THE MILITARY SUBJECT TO CIVILIAN CONTROL. FOR EXAMPLE, THE MILITARY COMMANDER IN A "REHABILITATION ZONE" WILL NOT HAVE CONTROL OVER MAYORS IN THE ZONE. LONDONO ALSO STATED THAT HE BELIEVES DECREE 2002 IS "FAR, FAR TOO SOFT," PARTICULARLY IN COMPARISON TO THE ANTITERRORISM LAWS OF COUNTRIES LIKE THE UNITED STATES.

7. (SBU) OFFICIALS IN THE INTERIOR MINISTRY TOLD POLOFF ON SEPTEMBER 16 THAT THE ADMINISTRATION IS STILL DEBATING INTERNALLY WHETHER TO INTRODUCE LEGISLATION IN CONGRESS TO MAKE THE PROVISIONS OF DECREE 2002 PERMANENT. UNLESS SUCH LEGISLATION IS PASSED, THE DECREE WILL REMAIN IN EFFECT ONLY UNTIL 90 DAYS AFTER THE CURRENT STATE OF INTERNAL DISTURBANCE ENDS. UNDER THE CONSTITUTION, A STATE OF INTERNAL DISTURBANCE CAN LAST A MAXIMUM OF 270 DAYS.

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COMMENT  
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8. (SBU) DESPITE THE CONSTITUTIONAL MISGIVINGS OF SOME URIBE OPPONENTS, DECREE 2002 IS ENJOYING SUBSTANTIAL PUBLIC SUPPORT. ONE POLL SHOWS 69 PERCENT OF COLOMBIANS FAVOR ESTABLISHING "REHABILITATION ZONES." NEVERTHELESS, OPPONENTS OF DECREE 2002 CAN BE EXPECTED TO CONTINUE TO PROTEST THE MEASURE STRONGLY. THE CONSULAR SECTION OF THE EMBASSY IS STUDYING THE REQUIREMENTS OF DECREE 2002, AND WHETHER TO

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ISSUE A WARDEN MESSAGE ALERTING AMERICAN CITIZENS OF THE  
PENDING REQUIREMENT TO REGISTER.  
PATTERSON

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